

Burns Harbor Board of Zoning Appeals

Minutes of Tuesday, August 25, 2020

The Board of Zoning Appeals of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Tuesday, August 25, 2020 in the Town Hall. The meeting was called to order by Board of Zoning Appeals President, Bernie Poparad at 7:00 pm.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

Bernie Poparad	Present
Gordon McCormick	Absent
Bob Crecelius.....	Present
Jim Meeks.....	Present
Timothy Minier	Present

Additional Officials Present

Attorney-Michael Brazil
Secretary-Marge Falbo

Also Present

Donna Meeks
Sarah Oudman

Poparad says McCormick had an unexpected death in the family and is absent tonight. We want to offer our deepest condolences to him and his family.

Minutes

Meeks makes a motion to approve the minutes of July 28, 2020. Minier seconded the motion.
Motion carried by all in favor vote.

Communication, Bills, Expenditures

None

Report of Officers, Committee, Staff

None

Preliminary Hearing

Robert Goad

1130 South Babcock Road

I am here for a variance to put up a 30x40 pole barn and also have it placed in front of the back of the house.

Poparad says how are you doing on your wetlands. Goad says the wetlands are in the front of the property closest to the road – about two acres. There are five and one-half acres of property. The house is built off of the end of the wetlands. There is a berm for the Gustafson Ditch behind

the house. I can't place the pole barn back there because of the berm and the run-off. The way the house is set with the last three acres being triangular makes it difficult to get the pole barn behind the house.

Meeks says do you have a copy of the report from the Army Corps of Engineers on the wetland. Goad says no, we didn't have to go to the Army Corps of Engineers because we didn't disturb any of the wetlands. Meeks says I don't know where the wetlands are.

Minier says there is more to it and I actually have experience with this. It's not so much what you will be building on the wetland, it's what affects the drainage. When was the house built? Goad says we just finished in June. Minier says so you had the approvals that it was on solid ground at the time you built it. Goad says right. Minier says did the developer go through the State to get the approval. Goad says not that I know of because we didn't disturb any of the wetlands. Minier says you need to be very careful. I have seen instances where someone will build a house and the developer may not have gotten the appropriate approvals to build there.

Meeks says I wouldn't approve this unless I see a report from the Army Corps of Engineers. I want to make sure it not on some wetland and need some documentation in front of me showing me it's not. Goad says the survey has the wetlands marked down on it and we had the wetlands surveyed and marked before we put the house into position. Meeks says do you have a copy of the survey. Goad says the plat of survey is all I have. I can get a copy of the survey. Meeks says I will need to see a copy of the survey and where the pole barn is going to go. I don't have a problem with the pole barn I'm concerned about it being built on a wetland.

Poparad says is this part of the little subdivision – the four lot. Goad says a cut off from that four lot in Trail Creek. It was cut off from that and there is still 1.6 acres for sale. Poparad says there are two lots on one side of the ditch and two lots on the other side of the ditch, right? Goad says there are four lots on the other side of the ditch and one lot left on our side of the ditch.

Minier says even if you're on solid ground it doesn't necessarily mean that it's going to be approved. Meeks says in addition you have another lot there that can be built on. You have to take that into consideration. Goad says that lot has a considerable amount of wetland.

Poparad says I need motion and some recommendations for Goad to set this for a Public Hearing as long as he has all the required documentation.

Meeks makes a motion to set a Public Hearing on September 22, 2020 for Robert Goad's developmental standards variance for an accessory building as long as we have a copy of the official survey and a report from the Army Corps of Engineers. Crecelius seconded the motion.
Motion carried by all in favor vote.

Poparad says you might want to talk to your developer he may have something.

Preliminary Hearing

Steve Elliott

Steve's Door Service

307 Melton Road

I am looking for a variance for outside storage in the Downtown district.

Poparad says I think we need to have a map of your property and where and what you plan to store there. Elliott says I completely understand that.

Minier says are you planning on putting a fence up around your property. Elliott says we are open to that idea, but I didn't want to put up a fence to hide things. I wanted to go and ask for permission to have things outside not build a fence and hide them behind it. Minier says there's a reason why I asked that because I have been in the area on occasion and a couple of times there were actually kids riding their bikes back there going through the building and the lots. I was concerned about safety. Elliott says we've had a trailer stolen, a vehicle vandalized, a scissor lift vandalized so we've been leaving our vehicles in the building which has pushed more things outside. Most of the doors that we deal with are big and robust and kids don't want to play with that. Ideally it would be behind a fence. Out of sight, out of mind. Minier says I was just curious because it wasn't clear in what you had given us. Elliott says most of the items are stored behind our building – northwest of the building.

Poparad says it might be good idea to have some photos of the items you want to store outside. Maybe some ideas of a fenced-in area to let us know what it would be like because we're not open to giving permission for outside storage because it is the Downtown area.

Meeks makes a motion to set a Public Hearing on September 22, 2020 for Steve Elliott, Steve's Door Service's use variance for outdoor storage as long as we have a survey of the property photos of where and what you plan to store, and a decision on a fence for safety reasons. Minier seconded the motion. Motion carried by all in favor vote.

Public Hearing

Ralph Awald

1191 Rak Road

Poparad says is all the paperwork in order. Falbo say yes.

Poparad opens the Public Hearing.

Awald says I want to build a 1,200 square foot pole barn on my property.

Poparad asks for public comment in favor.

Meeks says Jesse Piske, 1195 Rak Road says he is ok with it. Awald says I didn't get a green card reply from him.

Poparad asks for public comment in opposition. There is no public comment in opposition.

Meeks says I have a question. How far off the fence is that going to be? Awald says 12 feet. Donna Meeks says so no concerns with our fence, right? Awald says no.

Poparad closes the Public Hearing.

Meeks makes a motion to grant permission to Awald to build the pole barn. Minier seconded the motion. Motion carried by all in favor vote.

Old Business

None

New Business

None

Good of the Order of the Community & Any Other Business

Building Department Violations

Meeks says to Attorney Brazil I have an issue with a violation for Olthof Homes which has not been paid. My question is can we make a motion that they aren't allowed further permits for anything until they pay that violation. Attorney Brazil says it's not improper to do that. I don't know why we would continue to give them permits.

Meeks makes a recommendation to the Town Council that Olthof Homes, LLC doesn't get any further Permits or Certificates of Occupancy until all their violation has been paid to the Building Department. Minier seconded the motion. Motion carried by all in favor vote.

Outdoor Storage

Oudman from the audience says there are a number of other businesses in the Downtown district that have also inquired casually about outside storage and I wonder if you would consider sending a recommendation to Plan Commission to add some guidelines for outside storage. Poparad says I will bring it up at the next Plan Commission meeting and see what they want to do with that.

Wetlands

Minier says any approvals that we make here with regard to wetlands, (for example, if we approve anyone that comes in and builds on wetlands with supposed State permissions by a developer) we are liable if and when the USEPA comes in. Attorney Brazil says if a municipality doesn't do their due diligence to ensure the proper procedures were followed, the municipality could become liable then. Minier says I'm simply saying as a lay person if we have anything that comes to us with regard to wetlands, we have to be exceedingly careful. Attorney Brazil says you have to remember wetlands can change. Meeks says that's why I want a report from the Army Corps of Engineers because that is the final word.

Announcements

None

Adjourn

Minier motions to adjourn at 7:29 pm. Crecelius seconded the motion. **Motion carried by all in favor vote.**

APPROVED on September 22, 2020

Bernie Poparad, President

Marge Falbo, Secretary